

TOWN OF NEWFIELDS BOARD OF SELECTMEN
MEETING MINUTES
JANUARY 16, 2007

The meeting was called to order at 7:00pm. Selectmen present were: Janet Smith, James McIlroy, and Wes Moore. Others present were: Jeff Feenstra, Bill Davis, Dwight Davis, Larry Arend, Jody Linehan, Greg Corson, Steve Shope, Brian McElwee, Simon Heslop, Jeff Kovalik, Robert Collinge, Elyse Seeley, Chief Reed, and Lt. Gould.

The Cable Committee and Selectmen discussed the upcoming cable contract currently with Comcast. They decided to ask a Comcast Representative to attend the January 30, 2007 meeting for further discussion.

T. Pine of Lebanon, CT was chosen to print this year's Town Report.

Larry Arend presented a revised 2007 Budget for the Library to the Selectmen for \$34,090. This is a reduction of \$603. as the Library's anticipated income increased.

Brian McElwee spoke previously with Selectman Wes Moore and Police Chief Reed about an issue involving a Newfields Police Officer. Wes and Chief Reed suggested that Brian and any other people involved meet with the Board of Selectmen to voice their concerns. Brian, Jody Linehan, Greg Corson, and Steve Shope made the decision to bring the issue to the Selectmen's attention.

The Selectmen and Brian, Jody, Greg, Steve, and Simon reviewed the letter to the Selectmen regarding the incident and that letter is attached.

Janet asked what the group wanted the Selectmen to do. The group wants the Selectmen to be aware of this situation. Non-residents use this area and this is not a good way for anyone to be treated. They feel other police officers in Newfields would have handled the situation differently and more diplomatically.

The Selectmen stated that they will meet with Chief Reed to discuss this issue.

Reverend Bob Collinge informed the Selectmen that he received their letter about the rate increase for the Town Hall rental and did not have a problem with the increase. He did want to ask about janitorial services and snow removal. He stated that for the most part the Town Hall is clean and ready for church services each Sunday, but that the ramp is not always cleared of snow. There are two individuals who attend church services in wheel chairs. He is hoping that the ramps will be shoveled along with the stairs. Nancy will contact the Road Agent regarding this.

Elyse Seeley spoke to the selectmen about a Citizen's Petition being put forth to establish a Budget Committee for the Exeter Regional Cooperative School District. The Committee would have one member from each sending town plus one member appointed by the ERCSD Board. Elyse is looking for support from the Selectmen for this Petition.

Wes made a motion to support the Citizen's Petition to establish a Budget Committee according to the provision of RSA: Chapter 32 providing for a Cooperative School District Budget Committee. James seconded the motion and the motion passed with all in favor.

At 8:53pm Wes made a motion to go into a non-public session relating to a personnel matter in regards to the complaint discussed earlier tonight and a variety of Police Department personnel issues. At 9:20pm the meeting went back into a public session and Wes made a motion to seal the minutes of the non-public session. Janet seconded the motion and the motion passed with all in favor.

Chief Reed informed the Selectmen that this is Officer Steve McAulay's second week at the Academy.

With regard to the Bicycle Lane between Newmarket and Newfields, Wes said he will call Al Dixon to see if the legal expenses of Newfields will be reimbursed. He will also call Brian McElwee for his opinion on the proposed Bicycle Lane. Nancy was asked to give a copy of the letter received from the Lane Law Offices regarding this matter to Reuben Hull, the Town Planner.

James made a motion to approve the minutes of the January 2nd, 2007 meeting as amended. Wes seconded the motion and the motion passed with all in favor.

James would like to go through the Buildings and Facilities Report to utilize space we have with requests for needs. This will be put on the open item list. It was reported that the townspeople expect plans from the Selectmen about various buildings in Town such as the old Post Office.

The Cash Flow Projection for SAU 16 which was received from Nathan Lunney was reviewed. Newfields' assessment for the 2006-2007 school year is \$1,737,651.00.

The Selectmen reviewed the request from the Northeast Resource Recovery Association and opted not to become a member.

Checks were signed.

The renewal SPCA contract was signed.

Three Police Appointments were signed.

Correspondence from the Lane Law Office was reviewed and Nancy will try to schedule Fran Lane to meet with the Selectmen next week.

A Cemetery Deed was signed.

The letter from the University of New Hampshire was reviewed and Nancy was asked to give a copy of the letter to the Conservation Commission.

Nancy was asked to set up Don Doane, Treasurer and the Trustees of the Trust Funds to meet with the Selectmen on March 20th, 2007.

Wes and James broached a discussion with Janet regarding a letter she sent to the Budget Advisory Committee where information from a non-public session was disclosed. James and Wes felt that this needed to be discussed. They do not feel that she broke any laws. Janet acknowledged such, said it will not happen again and the matter ended.

Wes made a motion to adjourn the meeting at 10:25pm. James seconded the motion and the motion passed with all in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy J. Spencer". The signature is written in dark ink and is positioned above the printed name.

Nancy J. Spencer

January 16, 2007

To: Newfields Selectmen, Police Chief Art Reed, Officer John Faulkner

From: Brian McElwee, Greg Corson, Steve Shope, Jeff Kovalik, Jody Linehan

The purpose of this letter is to address with the Selectmen, an incident that occurred on the evening of Thursday, December 21st 2006 and the manner in which it was handled by Newfields Police Officer, John Faulkner. It should be noted that a conversation with Chief Reed regarding this matter was initiated first, on December 22nd. Following is a brief summary of the events:

- At approximately 9:30 pm, upon return to the parking area on Conner Lane after a mountain bike ride in the Newfields woods, it was noted that private property was missing from the bed area of three (3) pick-up trucks. Nothing appeared to be missing from a fourth vehicle.
- The private property consisted of two (2) six packs and one (1) twelve pack of beer.
- One of the riders provided a six-pack of beer from his residence so that we could enjoy a cold beverage together outside in the gravel parking area off Conner Lane.
- Shortly thereafter, Officer Faulkner arrived in his police cruiser, pulling up beside the lot and turning on his spotlight.
- Speaking through the open passenger window, Officer Faulkner's first question was directed at Steve Shope, standing closest to the road.

Officer Faulkner: "Are you the ringleader of this operation?"

Mr. Shope: "No, I'm not the ringleader, but I'll speak with you" (stepping toward the police cruiser's passenger window).

Officer Faulkner: (To the group) "Empty the beer – dump it out. All of them."

Officer Faulkner: (To Mr. Shope) "Anything missing?" "You missing anything from your trucks?" Brian McElwee was approaching the cruiser at this time.

Mr. Shope: (To Mr. McElwee) "He wants to know if you're missing anything from your truck."

Mr. McElwee: "Yes, we're missing a twelve pack of beer from the bed of my truck and a six pack each from two other trucks."

Officer Faulkner: "Where was the beer?"

Mr. McElwee: "It was in the corner of the bed of my truck – same with the others".

Officer Faulkner: "Do you think that's smart?"

Mr. McElwee: "Do I think what's smart?"

Officer Faulkner: "Keeping beer out where anyone can take it. Do you think that's smart?"

Mr. McElwee: "No, I agree that's probably not the best place to leave it."

Officer Faulkner: "What if some kids saw that and took it – then did something stupid?"

Mr. McElwee: "Well, then they'd be stealing beer from my truck."

Officer Faulkner: (Raised voice) "Are you kidding me? That's your best argument?"

Mr. McElwee: "I'm not looking for an argument. No, it wasn't smart to leave it in the open."

Officer Faulkner: "Right – not smart." (The other riders had walked over to the cruiser).

Officer Faulkner: "Who owns the other pickups?" Greg Corson approached the window.

Officer Faulkner: "You're missing beer from your truck?"

Mr. Corson: "I am."

Officer Faulkner: Do you think it's a good idea to leave beer out where anyone can see it?"

Mr. Corson: "No."

Officer Faulkner: "No – not a good idea."

Mr. Corson: "Nope. Not smart"

Officer Faulkner: "Who owns the other truck?" Jody Linehan stepped to the window.

Officer Faulkner: "You're missing beer from your truck?"

Mr. Linehan: "Yes".

Officer Faulkner: "Not very smart leaving beer in the back of your truck, is it?"

Mr. Linehan: "No, not smart."

Officer Faulkner: "If you want your beer back, you can pick it up at the station in the next fifteen (15) minutes. After fifteen minutes it goes in the dumpster."

- Throughout the dialogue, Officer Faulkner spoke in a condescending and sarcastic manner, posing repetitive, rhetorical questions and statements. We were addressed like juveniles and berated under his spotlight.
- Not wanting to deal further with Officer Faulkner that night, no one went to the station to reclaim their property. As promised, the beer was found opened and discarded the following morning in the dumpster beside town hall.

Every organization needs a written set of standards and expectations against which it can measure its achievements, progress and shortcomings. The goals and principles of the Newfields Police Department are clearly stated in their Mission Statement, which reads:

"The Mission of the Newfields Police Department is to improve the quality of life in our community in partnership with our citizens to prevent crime, regulate traffic, preserve order, and protect the rights, lives, and property of all people. We will strive at all times to establish relationships of trust with our community members who demand high levels of truthfulness, fairness, accountability and compassion." *

* See Attachment 1.

It is against this benchmark that the Department should be measured, and we compare the actions of Officer Faulkner. We ask the Selectmen to do the same. The manner in which we were treated and the disposal of our private property falls far short of the Department's mission to ***"...establish relationships of trust with our community members"*** This was a missed opportunity for the Police Department and Officer Faulkner, to strike a positive chord with residents he had not previously met while improving the safety of Newfields' residents.

Had Officer Faulkner acted in a professional manner, he could have earned our respect and created six new advocates of the Police Department. All it would have taken is a reasonable demeanor and communication to the effect of:

"If I drive by your truck and see beer in the bed, then a carload of kids can too and we could end up with an ugly scene on our hands. If you're going to park here, put it in the cab and lock up"

We would have agreed, appreciated the way it was handled and it wouldn't happen again. Instead, we were left feeling frustrated and angered by the way we'd been treated.

We agree that leaving alcoholic beverages in the back of an open vehicle was not a good decision. Seizing private property from our vehicles however, was a violation of rights protected by the United States Constitution. We understand it is the position of the Newfields Police Department and Chief Reed that such confiscation(s) are legal, in the best interest of the town, and reduce liability. Consider however, that pushing police power to the point where citizens feel violated, and doing it with the attitude displayed by Officer Faulkner, may create the very liability the Department wants to avoid. Beyond the seizure of private property, is the manner in which it was handled. Officer Faulkner had no right to destroy and discard the items he confiscated.

As our Selectmen, we hope you will work to guide our Police Department toward upholding its Mission Statement, and commit to the citizens that they will be treated accordingly.

Respectfully Submitted,

Brian McElwee, Greg Corson, Steve Shope, Jeff Kovalik, Jody Linehan

Newfields Police Department

A Level I New Hampshire Accredited Agency

Mission Statement

The Mission of the Newfields Police Department is to improve the quality of life in our community in partnership with our citizens to prevent crime, regulate traffic, preserve order, and protect the rights, lives, and property of all people. We will strive at all times to establish relationships of trust with our community members who demand high levels of truthfulness, fairness, accountability and compassion.

To accomplish our mission we are committed to the following values:

Integrity

We will serve the community and strive to uphold their trust with the highest standard of moral and ethical conduct. We value the reputation of the department and will hold ourselves accountable to the highest standards.

Respect

We recognize the value of individual and cultural diversity and will treat all people with kindness, tolerance, and dignity and without prejudice. We will protect the rights, liberties, and freedoms of all as granted by the Constitution and laws of the United States and the State of New Hampshire.

Competence

We assure the tasks set forth will be accomplished in the most effective and efficient manner. We will be accountable for our actions. We encourage reasonable risk-taking and are tolerant of honest mistakes. We will address and correct behavior, which is contrary to the primary mission of this agency, and will recognize and reward good performance.

Service

We will dedicate ourselves to improve the quality of life in our community by providing a safe environment for all. We are committed to protecting life and property, reducing fear, and developing a partnership with citizens to prevent and solve crime.